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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,701	09/23/2003	Jeff Stewart	MIME-0001DIV	2190
23550 7590 06/13/2007 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER GARCIA, GABRIEL I	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 06/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,701

Applicant(s)

STEWART ET AL.

Examiner

Gabriel I. Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Part III DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 24-28, 30-39, and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper et al. (6,816,270).

With regard to claim 24, Cooper et al teaches a method of previewing (see abstract) a document, comprising: selecting a print driver (e.g. col. 1, lines 51-63 and col. 5, line 33 thru col. 6, line 22) on a client (any client of fig. 1); generating a print file based on the document using the selected print driver (e.g. col. 3, line 5 thru col. 4, line 67); transmitting the print file to a server over a network (see fig. 1 and col. 3, lines 5-36); receiving image data on the client over the network, the image data being based on the transmitted print file (e.g. col. 1, lines 14-35); and displaying (e.g. 108) the image data in an interface at the client based on the transmitted print file (e.g. reads on fig. 1, which inherently teaches allowing the user to preview the file send or to be send using the

display 108, see also col. 2, lines 50-59).

With regard to claim 25, Cooper et al further teaches wherein the selecting step includes: displaying a list of print drivers on the client; and choosing a desired print driver (e.g. col. 1, lines 51-64, col. 2, lines 33-49, and col. 3, line 5 thru col. 6, line 22).

With regard to claim 26, Cooper et al further teaches obtaining the print driver (e.g. col. 3, line 5 thru col. 4, line 67, and col. 6, lines 4-22);.

With regard to claim 27, Cooper et al further teaches obtaining step includes transmitting the print driver to the client over the network (reads on fig. 1 and col. 3, line 5 thru col. 6, line 22, which allows the user(s) to receive the driver from a server or other part of the network).

With regard to claim 28, Cooper et al further teaches creating the document using an application installed on the client (col. 3, line 5 thru col. 6, line 22).

With regard to claim 30, Cooper et al further teaches verifying the print driver before the transmitting step (col. 2, lines 33-49 and col. 3, line 5 thru col. 6, line 22, the user can determine not to send the file after previewing the file).

With regard to claim 31, Cooper et al further teaches selecting file information associated with the print file using the interface (col. 3, line 5 thru col. 6, line 22).

With regard to claim 32, the limitations of claim 32 are covered by the limitations of claim 24 above; and Cooper et al further teaches the upload manager (302) for transmitting the print file (e.g. col. 8, lines 37-52) .

With regard to claim 33, Cooper et al further teaches a version manager for verifying the print driver before transmitting the print file (see abstract, a determination or

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verification is done before the print file is send to verify the proper print driver being used).

With regard to claim 34, Cooper et al further teaches an application for creating the document, wherein the application is installed on the client (col. 3, line 5 thru col. 6, line 22)..

With regard to claim 35, Cooper et al further teaches a wide area network, and the Internet (e.g. fig. 4).

With regard to computer program claims 36-39 and 41-42, the steps of the computer claims 36-39 and 41-42 read on the steps of the method claims 24,25,27-31 are describe above. The method steps of claims 24,25 and 27-31 can be program and store in the memory (208,209 or 232) of Cooper to create computer programs of claims 36-39 and 41-42.

With regard to claim 43, Cooper et al further teaches wherein the print file comprises a postscript file (see fig. 4 and col. 8, lines 37-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 29 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper (6,816,270) as applied to claims 24 and/or 32 above, and further in view of Grohs et al. (2001/0043753).

With regard to claim 29, Cooper et al teaches the communication of data between the client and printer (see fig. 1), but fails to explicitly teach compressing the print file before transmitting step. However, Grohs et al. (in the same field of endeavor "data processing" teaches that it is well known in the art to compress the print file before transmitting it [0032]. Therefore, it would have been obvious to one of ordinary skill in the art to provide the system of Cooper with the ability of compressing the data as taught by Grohs et al. because of the following reasons; 1) as suggested by Grohs et al. in paragraph [0032]. To reduce time and resources, and 2) to allow the system of Cooper et al. to send the data a lot faster by compressing large files before transmitting them.

With regard to computer program claim 40, the steps of the computer Claim 40 read on the steps of the method claim 29 above. The method steps of claims 40 can be program and store in the memory (208,209 or 232) of Cooper to create computer programs of claims 40.

Conclusion

3. *With regard to Applicant's argument that Cooper does not teach displaying at the client. Examiner strongly disagrees with Applicant's conclusion. It is clear from fig. 1, the client computer (108) contains a display and the idea behind Cooper is to be able to preview the job before it is printed (see also col. 2, lines 50-59. Also it is clear from the abstract of Cooper that the preview is done before the data is printed.) With regard to Applicant's argument that displaying of image data is based on the print file received by the server. Examiner asserts that Cooper teaches displaying the image data is based on the print file from the server. Examiner asserts that Cooper teaches the idea of previewing the image data that can be generated from data received from the server (e.g. col. 1, lines 14-35 and col. 8, lines 37-42, which described how data can be communicated between the client computer and the server, and allow the print job to be sent to the server to be processed by the print driver installed at the server, therefore, processing the job at the server and sending the job to the printer or client for previewing).*

With regard to Applicant's argument that Cooper does not teach verifying a print driver. Examiner asserts that Cooper teaches verifying a print driver (e.g. col. 2, lines 33-49, the verification is determined otherwise is done by a software simulation).

With regard to Applicant's argument that Cooper does not teach the use of a postscript driver transmitted over the network. Examiner asserts that Cooper teaches the use of a postscript driver transmitted over the network. Examiner asserts that Cooper teaches the use of transmitting Postscript driver over the network (see fig. 4 and col. 8,

lines 37-47, fig. 4, depicts how data is received from the printer which could be of different format including Postscript and col. 8, lines 37-47 describes how the driver can be send to the client over the network in case the client does not have the a driver such as a Postscript.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is 571-273-8300.

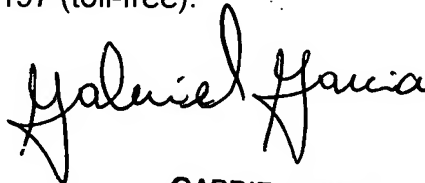
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CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system Status information for published applications may be obtained from either Private **PAIR** or Public **PAIR**. Status information for unpublished applications is available through Private **PAIR** only. For more information about the **PAIR** system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private **PAIR** system, contact the Electronic Business Center (**EBC**) at 866-217-9197 (toll-free).

Gabriel I. Garcia
Primary Examiner
June 6, 2007



GABRIEL GARCIA
PRIMARY EXAMINER